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REMARKS

Claims 1-20 are pending in the application. The Applicants request reconsideration of the subject application based on the following remarks.

35 U.S.C. §102(e) Rejections

Claims 1-20 are rejected under 35 U.S.C. §102(e) over WO 103066 to Akiyama et al. (hereinafter "Akiyama"). Applicants note that U.S. Patent No. 7,233,094 is the U.S. national phase of PCT/JP03/06796, which claims the benefit of JP 160568/2002, now International Publication No. WO 03/103066.

Applicants recite, in independent claim 1, a piezoelectric device in which a first electrode layer, a piezoelectric layer, and a second electrode layer are laminated on a substrate in this order, wherein the piezoelectric layer is made of aluminum nitride and/or zinc oxide, and wherein piezoelectric layer has a degree of dipole-orientation of 55% or more.

Applicants recite, in independent claim 13, a method for fabricating a piezoelectric device comprising forming a first electrode layer on a substrate; forming a piezoelectric layer on the first electrode layer, and forming a second electrode layer on the piezoelectric layer, wherein the piezoelectric layer is made of aluminum nitride and/or zinc oxide and has a degree of dipole-orientation of 55% or more.

Applicants have found that it is possible to maintain the piezoelectric characteristics of a piezoelectric device and to provide heat-resistance by making the degree of dipole-orientation of the piezoelectric device 55% or more.

Akiyama describes a piezoelectric element using an aluminum nitride thin film having a c-axis orientation not exceeding 2.5°. The Office asserts, on Page 3 of the September 25, 2007

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Office action, that Akiyama discloses a piezoelectric device wherein the piezoelectric layer is made of aluminum nitride and/or zinc oxide, and a degree of dipole-orientation of 55% or more. However, the Office has not pointed to any portion of Akiyama wherein dipole-orientation is at all discussed.

Applicants, further, have reviewed the Akiyama reference thoroughly and respectfully submit that nowhere does Akiyama teach or suggest a piezoelectric layer having any particular degree of dipole-orientation, much less a dipole-orientation of 55% or more. Rather, this comes purely from Applicants' disclosure. Further, a dipole-orientation of 55% or more would not be "necessarily present" in Akiyama's piezoelectric element and, thus, would not be inherent.

In view thereof, it is respectfully submitted that claims 1 and 13 are patentable over Akiyama. Claims 2-12 and 14-20 depend from claims 1 and 13 and thus, also are patentable over Akiyama. Reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

Reconsideration and allowance of claims 1-20 is respectfully requested in view of the foregoing discussion. This case is believed to be in condition for immediate allowance. Applicant respectfully requests early consideration and allowance of the subject application.

If for any reason a fee is required, additional extension of time is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

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Should the Examiner wish to discuss any of the amendments and/or remarks made herein,
the undersigned agent would appreciate the opportunity to do so.

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Respectfully submitted,

By 

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